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SUMMARY RECORD OF THE 355th MEETING

Held at Headquarters, New York,
on Tuesday, 22 July 1997, at 10 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second and third periodic reports of Argentina (CEDAW/C/ARG/2 and Add.1 and 2, and CEDAW/C/ARG/3)

1. At the invitation of the Chairperson, Ms. Regazzoli and Ms. Schiavoni (Argentina) took places at the Committee table.

2. Ms. REGAZZOLI (Argentina), introducing the second and third periodic reports of Argentina, said that Argentine society faced obstacles stemming from cultural, political, legal and economic conditions that tended to perpetuate the remaining inequalities between men and women. In seeking substantive change, her Government was working to include the gender perspective at the highest levels of development planning and social and economic policy. Although much remained to be done, it was committed to the observance of the Convention and the work of the Committee.

3. The statistics included in the addendum to the second periodic report, submitted in 1994, had been based on data gathered during the most recent census taken in 1991. The statistics provided in the third periodic report, which had been submitted in September 1996, had been updated since that census.

4. Ms. SCHIAVONI (Argentina) said that it must be borne in mind that Argentina had gone through profound political, institutional, economic, legal and administrative change in an effort to make up for the consequences of the years when democracy had been interrupted.

5. The reform of the Constitution begun in 1994 had led to important advances in the recognition of women's rights, since all the international human rights treaties to which Argentina was a party, including the Convention on the Elimination of All Forms of Discrimination against Women, had been given constitutional status.

6. In addition, the Constitution established affirmative-action measures to give women equal access to participation in political parties through elective office. The Quotas Act established a minimum of 30 per cent women on the lists of candidates for elective office. As a direct result, 80 women had participated as members of the Constituent Convention. In particular, the Constitution called for the establishment of a special social security scheme for women during pregnancy and lactation and for neglected children through their elementary school years.

7. Turning to national mechanisms for the advancement of women, she said that the restructuring of the National Women's Council in January 1996 had resulted in three national directorates in the areas of technical assistance; promotion and training; and communication, information and dissemination. The President

of the National Women's Council had ministerial rank and reported directly to the President of the Republic.

8. Another new mechanism was the Federal Women's Council established in December 1996. Its purpose was to promote women's employment, institutional strengthening through the establishment of provincial and municipal women's agencies, and communications strategies. A base document and pilot programme for a project to strengthen decentralization had been designed which would enhance the effectiveness and management capability of provincial women's agencies by providing them with technical assistance, training and basic infrastructure. The National Women's Council had also intensified its efforts in support of joint programmes with various ministries, for instance the Ministry of Labour and Social Security, the Ministry of Education and the Ministry of Justice. As to communications strategies, the Council distributed a bimonthly publication with information about legislation relevant to women's issues, international treaties, and mechanisms to combat discrimination.

Article 4

9. For the forthcoming national elections in October, the Attorney-General had instructed the agencies responsible for the elections to ensure that the Quotas Act was strictly observed in respect of lists of candidates. The National Women's Council had also distributed a brochure entitled "Guidelines for Compliance with the Quotas Act" throughout the country.

Article 5

10. As part of government efforts to eliminate stereotypes, the Federal Education Act, 1993, included provisions on eliminating discriminatory stereotypes from teaching materials. A seminar on women and how they were portrayed in the media had been held in March 1997 under United Nations auspices.

11. Legislation on protection against domestic violence had led to the establishment of centres for information and advice on physical and psychological abuse, to provide legal resources and prevention programmes. An information hotline had been in operation since 1990, as well. The National Women's Council, together with the United Nations Children's Fund, had also begun a national programme of training, technical assistance and sensitization on the subject of violence against women. Under the programme, a training manual on ways of preventing and dealing with violence against women in the family was being developed. The Council had also organized training courses for police officers and members of the court system in prevention of domestic violence and assistance to victims. According to Ministry of Justice data, the great majority of domestic violence complaints received in 1995 and 1996 had been filed by women. A bill for the establishment of a national programme on violence against women was halfway to approval in Parliament.

Article 7

12. Argentina had both federal and provincial legal codes. In the federal judiciary, 20.03 per cent of the total number of judges, prosecutors and

attorneys in all types of courts were women. At the provincial level, women's participation in the 24 jurisdictions amounted to about 33 per cent.

13. Women's participation in the provincial legislatures was substantially higher in provinces which had passed quota laws in 1993 and 1994, prior to the most recent elections; the rates for those provinces ranged from 21 per cent in Mendoza to 34 per cent in Chaco. Women's representation in the legislatures of provinces which had passed such laws in 1995 was expected to increase sharply following the next elections. Eighteen of the 24 provinces had adopted quota laws.

Article 10

14. In 1996, female enrolment at the initial and multi-track secondary levels had been 51 per cent and 52 per cent, respectively. Women had accounted for 54.4 per cent of new enrolments in the national university system. However, the percentage of women in the National Technological University had remained unchanged at about 20 per cent.

15. Once the goals of the National Programme for the Promotion of Equal Opportunities for Women (PRIOM) had been met, an Area for Women had been formally established within the Ministry of Culture and Education to ensure that education served to strengthen equality of the sexes in all spheres and to promote solidarity. All the basic material taught in formal education had been revised to eliminate discrimination, and the inclusion of material on women's contributions to culture, economic growth and social development was being promoted. A network of provincial focal points for women and education was being set up; the participants would be trained through national seminars and technical assistance to the provinces. As a first step towards the development of affirmative-action measures, a research and academic study competition was being held on the influence of regional cultural patterns on women's access to and tendency to remain in the Argentine educational system and on their choice of fields of study.

Article 11

16. In April 1997, the National Women's Council had signed a framework agreement with the Ministry of Labour and Social Security on inter-institutional cooperation and technical assistance to promote equal opportunities in employment. It had also signed two additional protocols: one on the implementation and strengthening of the Occupational Guidance for Women Service, and one on the Community Services Programme and the Council's involvement in its operation at the provincial level. In 1997, funding for the latter programme had tripled in relation to its 1996 level.

17. In June 1997, measures had been taken to enable housewives to participate in the Integrated Retirement and Pensions System. The Council had presented bills to the National Congress on the regulation of labour relations in the area of domestic service and on the social security system for domestic workers.

Article 12

18. In the period 1990-1995, women's life expectancy, at 76 years, had been 6.74 years longer than that of men. In general, maternal mortality rates had declined in recent years, but significant differences between regions were still in evidence. The chief causes of maternal death were abortion and other direct obstetrical causes, but the former had decreased markedly over the past decade in both relative and absolute terms, dropping from 133 deaths in 1985 to 90 deaths in 1993.

19. Provincial and municipal jurisdictions were responsible for health-care services and were authorized to establish programmes in that area. In 1994, the Ministry of Health had drawn up national health-care standards for normal pregnancy, low-risk childbirth and immediate neonatal care, and also for the treatment of disease patterns. A bill on responsible parenthood, which included a list of authorized methods of contraception, was still before the National Congress. A commission involving the participation of scientific associations, the United Nations Development Programme and members of the Ministry, and of the National Women's Council, had drawn up proposed standards for responsible parenthood and education for health.

20. The provinces and municipalities were implementing a six-year maternal and child health and nutrition programme aimed at reducing maternal and child morbidity and mortality rates by improving the targeting, design, implementation and coordination of health care, nutrition, supplementary feeding and child development services and programmes. The Women, Health and Development Programme sought to improve women's health while raising their awareness of gender inequalities attributable to cultural factors, to promote and protect the health of women and their families by providing basic information on health care and to enable women to participate in development by improving their health and quality of life. Activities under the Programme included the organization of workshops throughout the country and of a national meeting at which a report on the situation of women's health in Argentina had been elaborated, the implementation of a pilot project on health-care training for indigenous women in their own language and the provision of training in "women and health" workshops. About 60,000 women had been trained as preventive health-care workers, and training materials had been elaborated for use by community leaders. In 1995, the Programme had agreed to train 1,200 representatives of the Housewives' Union from various parts of the country. The National Women's Council, for its part, was conducting research on early pregnancy and teenage motherhood.

Article 13

21. In the context of the ongoing activities under the Council's agreement with the National Credit Programme for Micro- and Small Enterprises, a 60-hour training course on business administration was being offered to women. The course was conducted by non-governmental businesswomen's organizations on the basis of a programme drawn up by the Council.

Article 14

22. The projects described in the second periodic report had been continued. Under the "Northwest" project, 1,300 rural women had received training and formed the coordinating team for the national network of rural women. Fifteen groups with self-management capacity and knowledge of new production alternatives and technical skills had been formed, as had an interdisciplinary team of specialists on gender issues. Over 14 per cent of the beneficiaries of the "Northwest" project's programme of credit and technical support for small producers had been women. Thirty-five per cent of the participating groups of producers had consisted of both women and men. Twenty-three women's productive projects had been carried out, and 45 extension workers had received training on the gender perspective.

23. The Department of the Environment and Natural Resources took an integrated approach to sustainable development that included the gender perspective. Its project on biodiversity would involve the active participation of women, in compliance with various provisions of the Beijing Platform for Action. The use of pesticides in agriculture was being studied, in view of its harmful effects on the health of women and children. The Secretariat planned to prepare and disseminate data for use in gender-specific planning and evaluation.

Article 16

24. Parliament had begun the process of approving a bill that would modify the legal regime governing the disposal of property of uncertain origin belonging to a married couple, to remove the presumption in favour of the man. With respect to maintenance, steps had been taken to ensure that maintenance recipients were paid the amounts to which they were entitled. Bills had been introduced on the establishment of a national register of persons in arrears on their maintenance payments and the establishment of a national maintenance fund and a fund for the payment of advances on unpaid maintenance.

25. With respect to the general comment contained in paragraph 4 of the report of the pre-session working group (CEDAW/C/1997/II/CRP.1/Add.1), the description of the social and economic situation contained in the third periodic report illustrated the necessity of the Convertibility Plan, which had curbed runaway inflation, boosted the gross domestic product and increased investment and exports. Further gains in productivity and competitiveness were expected for 1997.

26. In assessing the impact of structural reforms on the country's growth, it was necessary to take into account such quality-of-life indicators as the level of education of the workforce, initial per capita income and macroeconomic stability. The reform of the social security system had resulted in a decrease in the percentage of the system's resources financed from payroll contributions and an increase in the percentage financed from fiscal resources. In the period 1991-1996, the mean social security income of retirees and pensioners had risen by 29 per cent in real terms. Benefits had been collected by nearly 90 per cent of men and 78 per cent of women aged 75 to 79, and by 18 per cent of men and 26 per cent of women aged 55 to 59.

27. The Government was aware that some challenges remained to be met, such as unemployment and the improvement of the living conditions of the population in general and women in particular. The country's transformation had affected women, but a correlation had been established between economic results and changes in the socio-economic status of women. As the economy had stabilized and greater openness had been achieved in development efforts, women's employment prospects had improved considerably.

28. The Government believed that, had it not been for the far-reaching structural reforms which had been carried out in recent years, the inequalities in the distribution of wealth would now be much greater. Those inequalities derived from the shortage of human resources and the profound and increasing inequalities of opportunities in education and occupational training. The social development programmes which were being carried out by the Government were promoting equality and improving the standard of living of the population as a whole and of women in particular.

29. In the area of human rights, women had broad protection under Argentine law. Under the 1994 constitutional reform, the Convention and human rights agreements were regarded as complementing the rights and safeguards laid down in the Constitution. Provision had been made in the Constitution for a Parliamentary High Commissioner, with full operational autonomy, who was appointed by Congress for a five-year term and enjoyed the same immunities and privileges as legislators.

30. The National Women's Council was carrying out a programme to monitor bills concerning women which were submitted to Congress and provide technical assistance to legislators in drafting legislation. It had published a booklet on Argentine legislation and the Convention. In accordance with an agreement among provincial women legislators, a communications network between national and provincial legislators would be established over the next few days to carry out joint action to secure the approval of proposals relating to women.

31. Following the re-election of President Menem, the policies which had been begun in 1989 to benefit women had been intensified and institutional mechanisms for carrying out those policies had been strengthened.

Article 1

32. The National Women's Council had drawn attention to the need to change the current classification of offences against decency, and a proposal would be made to amend the Penal Code.

33. The committee on the review of the Penal Code had not yet announced the areas on which it would focus or what its priorities would be.

Article 2

34. The constitutional reform of 1994 had included various provisions to establish equal rights for men and women. Article 37 of the Constitution guaranteed the full exercise of political rights and specified that genuine equality of opportunity for men and women with respect to access to elective

office and to positions in political parties must be guaranteed by means of affirmative action in the regulation of political parties and the electoral system. Congress was empowered to adopt and promote affirmative-action measures guaranteeing genuine equality of opportunity and treatment and the full enjoyment and exercise of the rights laid down in the Constitution and in international human rights treaties, particularly in relation to children, women, the elderly and disabled persons.

Article 3

35. In 1995 the National Women's Council had signed an agreement with the Ombudsman for Prisons under which both parties agreed to promote action to improve prison conditions and ensure respect for the human rights of women prisoners. Under that agreement, a survey of women prisoners had been conducted. There were three women's prisons, one in La Pampa province, and two in Ezeiza, Buenos Aires province. The Ombudsman for Prisons worked within the Ministry of Justice and was appointed for renewable periods of four years. He had operational autonomy and was responsible for protecting the rights of prisoners.

36. In his annual report for 1995-1996, the Ombudsman for Prisons had reported that in March 1996, the prisoners in the women's correctional institute (Unit No. 3) had organized a four day hunger strike to demand improvements in their situation. On 2 April, the prisoners had held two prison officers and a senior official hostage. The Ombudsman for Prisons had intervened to secure their release, and the prison authorities had undertaken not to take reprisals or make any transfers. Despite that, 11 prisoners had been transferred to prison units in Buenos Aires province on 2 May. The prisoners had filed a habeas corpus motion, and the court had decided to return them to their original location. According to that report and press reports, no prisoners had been killed.

37. The National Women's Council had signed framework agreements for cooperation with ministries and agencies at the national level. The Equal Opportunity Plan for 1993-1995 made provision for joint action with various government areas. In practice, it had been difficult for the Council to follow up on the actions of other bodies since it was not empowered to take measures to ensure compliance with government policy. The Federal Women's Council was implementing measures to coordinate, assess and monitor policies relating to women.

38. The President had approved the Equal Opportunity Plan for 1993-1995 incorporating the Three-Year Plan of Government Action for the Promotion and Equal Participation of Women. In education, the principle of equality of opportunity and elimination of discriminatory stereotypes from teaching materials and the use of non-sexist language had been incorporated in the Federal Education Act of 1993, and awareness and training activities had been organized for educators all over Argentina. In employment, posts for women had been included in the intensive work programmes in 1993 and 1994, pilot projects had been carried out in three provinces for the project entitled "Occupational Guidance for Women Service", vocational training for 3,000 women had been financed by the Ministry of Labour, a proposal for affirmative action in businesses had been presented to the Argentine Industrial Union in 1995 and an

intersectoral commission had been established to develop an integral proposal to improve the working conditions of domestic workers.

39. In respect of political participation, multi-party committees of women politicians had been established at the provincial level; a network of women politicians had been organized at the national level, with branches in all the provinces; technical assistance for the implementation of the Quotas Act had been provided in 14 provinces, and the implementation of the Act had been monitored in the 1993 and 1995 national elections.

40. In the area of legal equality, a booklet on women in the constitutional reform of 1994 had been published; meetings had been held with legislators to coordinate efforts to secure the approval of a domestic violence bill; bills had been drafted for the recognition of the constitutional status of the Convention and the empowerment of Congress to promote affirmative-action measures; Decree No. 2385/93 to incorporate conduct constituting sexual harassment in the Civil Service Basic Regulations had been drawn up, and a workbook had been prepared on Argentine legislation and the Convention.

41. In the area of economic development there had been a pilot experiment to train women in business management, and a framework agreement with the Department of Industry in its capacity as executing agency for the global credit programme for micro- and small enterprises. In the area of institutional strengthening, training and technical assistance had been provided to five provinces.

42. Ms. REGAZZOLI (Argentina) said that in 1987 a human rights subdepartment had been established within the Ministry of Foreign Affairs to carry out treaty reporting obligations. With the advent of democracy, women's subdepartments had been established first in the Ministry of Foreign Affairs and then in the Ministry of Social Security. After President Menem had taken office, the subdepartments had become the Department of human rights and women. The Coordinating Council had then established the National Women's Council and the Federal Women's Council.

Article 4

43. Ms. SCHIAVONI (Argentina) said that as a result of the implementation of Act No. 24,012, which had been passed in 1991, the number of women members of the Chamber of Deputies had increased from 5.8 per cent in 1991 to 28 per cent in 1997. The National Women's Council was monitoring the implementation of the Quotas Act very closely. It had also worked to have similar legislation passed in the provinces, and, as a result, 19 of Argentina's provinces now had quota laws that applied within their jurisdictions. At the time of the 1994 constitutional reform, the constitutionality of the affirmative action provided for in Act No. 24,012 had been challenged in the courts, but the courts had ruled that the Act was constitutional. The Act was now reinforced by article 37 of the Constitution.

44. In the Constituent Assembly, as a result of the application of the Quotas Act, women held 25.6 per cent of the seats. During the national elections for the Chamber of Deputies in 1995, observers from the National Women's Council,

had monitored the enforcement of the Quotas Act and had notified the Parliamentary High Commissioner whenever the guidelines set forth in the Act were not complied with so that action could be taken.

45. The new Constitution provided that amparo proceedings for redress for any form of discrimination could be instituted by the person affected, the Parliamentary High Commissioner, or associations active in the field in question. The National Women's Council had instituted amparo proceedings in the courts to seek recognition of its right to demand the enforcement of legal provisions guaranteeing equality of opportunities for men and women, and the right of all citizens to vote for an egalitarian list of candidates. The Court of Appeal had upheld that right.

46. Ms. REGAZZOLI (Argentina) said that in the 1995 elections, no legal action had been needed because all the political parties had complied with Act No. 24,012. There would be elections for the legislature in October 1997. In 1998, the members of the senate would be elected by direct suffrage, so that the Quotas Act would apply for the first time.

47. On the question of employment programmes for women, the National Women's Council had requested an indicative quota for women of 20 per cent of jobs in the intensive work programmes which had been launched in 1993 and 1994. Rates of 11 per cent and 15 per cent had been achieved in 1993 and 1994, respectively.

Article 5

48. Ms. SCHIAVONI (Argentina), commenting on the implementation of the Protection against Domestic Violence Act, said that an interdisciplinary group of professionals had already been formed and was currently undergoing specialized training in the area of family violence. At least 10 provinces had adopted legal provisions covering cases of domestic violence.

49. The publicity programme which had been adopted to promote awareness of the content and aims of Act. No. 24,417 would be implemented during 1997 and the National Women's Council had been invited to participate in its implementation.

50. With regard to the reported increase in domestic violence, while the number of reports on the subject had indeed increased, no reliable data were available to support that contention. At the national level, there were few government programmes for the rehabilitation of aggressors and such programmes as existed, which generally came under the decentralized health care system, were of uneven quality.

51. The Protection against Domestic Violence Act and the Belem do Pará Convention demonstrated the importance which was attached to violence against women. In collaboration with the United Nations Children's Fund, the National Women's Council had designed a national programme to provide training and technical assistance and to promote greater awareness of violence against women. The consequences of domestic violence were examined in the nearly 20 bills which had been introduced on the subject since 1984 and in the national report which Argentina had presented to the Fourth World Conference on Women. Whether or not the aggressor was arrested depended on the type of injuries sustained by the

victim. National data identified a broad category of crimes against decency, including the crime of rape, which accounted for 1.3 per cent of all crimes committed in Argentina.

52. The legislature of each province enacted its own code of criminal procedure. Some provinces had incorporated provisions relating to family violence into their codes. At the national level, when it was believed that further violence was likely to be committed, a judge could issue a restraining order for the perpetrator to stay away from the home.

53. With regard to the training of judges, the National Women's Council was currently funding a pilot programme to sensitize judges and officials of the San Juan province to the problem of domestic violence and violence against women. The Council hoped that after an evaluation of its results the pilot programme could be replicated in other provinces.

54. It was difficult to determine whether there had been an increase in the violence used by police against women victims of domestic violence. In any event, the solution to the problem lay in providing special training for police personnel. The Federal Police currently organized specific training courses on the subject and had established counselling centres for victims of sexual violence.

55. Ms. REGAZZOLI (Argentina) added that special units had been established in a number of police jurisdictions to handle complaints of domestic violence against women. Women were also occupying increasingly senior positions within the police force.

56. Ms. SCHIAVONI (Argentina), referring to the protection of rural women from sexual abuse, said that less than 20 per cent of the population of Argentina was rural. Rural women were afforded protection under the legislation of the province in which they lived. The Council was advocating the establishment of provincial and municipal women's centres to provide women with technical assistance and training in the area of domestic violence.

57. With regard to the role of the Catholic Church in the promotion of women's reproductive rights, her delegation could not speak on behalf of an institution which it did not represent and could only describe the action taken by the various State agencies in the area of family planning. Responsible parenthood legislation had already been approved by one chamber of Congress, and provincial and local authorities were also enacting laws in that field. With the assistance of the World Bank, the Ministry of Health and Social Action had launched a six-year programme in 1994 to reduce the mortality rate among mothers and children.

Article 6

58. Prostitution was one of the issues to be considered in the proposed reform of the Penal Code and one of the areas in which the National Women's Council proposed to carry out research. No specific action had been taken to prevent prostitution, which was governed by the relevant provincial and/or municipal regulations. She agreed that there was no justification for the current

situation in which traffic in women was subject to a lesser penalty, regardless of the victim's age, than the penalty for the promotion of prostitution which did not involve trafficking.

Article 7

59. Responding to the question about the role of women in trade unions, she said that Argentine labour legislation provided for equality in the legal and social status of men and women. In practice, however, women did not enjoy equal access to employment opportunities and promotions and few women held senior leadership positions within the trade unions themselves.

60. With regard to the participation of women in political and public life, the National Women's Council had long been seeking to promote increased participation by women's organizations in public life through the establishment of advisory committees in various sectors and periodic consultations with prominent women and non-governmental organizations on specific issues. The recently established Federal Women's Council and the greater role being played by the provinces in national life should further strengthen the participation of women and women's organizations in public life at both the provincial and national levels.

61. As to the impact of the Argentine Electoral Code, the Quotas Act amending the Code applied to elective national office and had had a major impact in Congress where the percentage of women members had risen from 5.8 per cent in 1991 to its current 28 per cent. In the 1994 Constituent Convention, 25.6 per cent of the members elected had also been women. The passage of the Quotas Act had spurred a debate in society on the need to enact quota laws that would extend to other social and State institutions. Draft legislation had been introduced in Congress for the establishment of quotas in the executive and judicial branches and in trade unions. At the national level, one minister and four heads of department were women.

Article 8

62. Ms. REGAZZOLI (Argentina), replying to the question concerning the representation of women in the Foreign Service, said that, despite recent improvements, there was still a need for specific programmes to strengthen their representation. Women currently filled 9 per cent of ambassadorial posts abroad as well as 30 per cent of posts in the upper echelons of the Ministry of Foreign Affairs.

Article 9

63. Ms. SCHIAVONI (Argentina) said that Argentine nationality was determined by place of birth and the nationality of one spouse did not change that of the other. Contrary to what had been mistakenly stated in the first periodic report, the law governing nationality made no distinction between men and women.

Article 10

64. According to the 1994 census of national university students, there were 47.6 male and 52.2 female students. Female students were more heavily represented in the fields of the social sciences, philosophy, the humanities, pharmacy, biochemistry, odontology and psychology. Also, in recent years an increase had been noted in the number of women studying law, architecture, economics and especially engineering, technology and medicine.

65. On the subject of access by men and women to study grants and scholarships, no distinctions were made between men and women, although data on the number of women who had received scholarships were unavailable.

66. As to the impact which the specialized women's studies course of the University of Buenos Aires had had, similar courses were being developed at several other universities following the success of the first programme. Students in the discipline of women's studies had been active in the Constituent Convention on constitutional reform, in the research teams of national universities and in women's non-governmental organizations.

The meeting rose at 1.p.m.